

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

REFERRAL ORDER
06-CR-0550 (JS) (AKT)

DAVID H. BROOKS,

Defendant.

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APPEARANCES

For the Government:

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SEYBERT, District Judge:

Pending before the Court is a letter filed by Defendant David H. Brooks' ("Brooks") requesting, in part, that this Court refer Brooks' pending motion to recuse the Undersigned to another District Judge. (Docket Entry 1791.) Brooks' motion to recuse the Undersigned (Docket Entry 1774) is hereby REFERRED to District Judge Arthur D. Spatt for DECISION only with respect to the issue of whether Brooks waived his rights to file a motion for recusal of the Undersigned pursuant to 28 U.S.C. §§ 144, 455(a), 455(b)(1) and the Due Process Clause of the United States Constitution. The Undersigned will decide the remaining issues related to Brooks' recusal motion in due course.

The Clerk of the Court is directed to open a miscellaneous case number for the issue referred to Judge Spatt, directly assign the new matter to Judge Spatt, and add the parties and their respective counsel identified in this Order.

To the extent that the parties intend to file documents containing confidential or privileged information, the parties are directed to move before Judge Spatt to file such documents under seal.

The Clerk of the Court is further directed to mail a copy of this Referral Order to Brooks' former counsel, Tai H. Park of Park & Jensen LLP.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February 25, 2014
Central Islip, NY